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Filing date: **06/09/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Plaintiff Cardinal Health 303, Inc.
Correspondence Address	Joseph R. Dreitler Bricker & Eckler LLP 100 S. Third Street Columbus, OH 43215-4291 UNITED STATES mtrue@bricker.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Mary R. True
Filer's e-mail	jdreitler@bricker.com, mtrue@bricker.com, trademarks@bricker.com
Signature	/Mary R. True/
Date	06/09/2009
Attachments	Boggs Notice.pdf ( 7 pages )(122924 bytes )

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- |   |   |                              |
|---|---|------------------------------|
| 1. CARDINAL HEALTH 303, INC.<br>Opposer | : |                              |
| v.                                      | : | Opposition No.: 91-177,234   |
| THE ALARIS GROUP, INC.                  | : |                              |
| Applicant                               | : |                              |
|   | : |                              |
| 2. CARDINAL HEALTH 303, INC.            | : |                              |
| Opposer                                 | : |                              |
| v.                                      | : | Opposition No.: 91-177,365   |
| THE ALARIS GROUP, INC.                  | : |                              |
| Applicant                               | : |                              |
|   | : |                              |
| 3. CARDINAL HEALTH 303, INC.            | : |                              |
| Opposer                                 | : |                              |
| v.                                      | : | Opposition No.: 91-177,366   |
| THE ALARIS GROUP, INC.                  | : |                              |
| Applicant                               | : |                              |
|   | : |                              |
| 4. CARDINAL HEALTH 303, INC.            | : |                              |
| Opposer                                 | : |                              |
| v.                                      | : | Opposition No.: 91-177,367   |
| THE ALARIS GROUP, INC.                  | : |                              |
| Applicant                               | : |                              |
|   | : |                              |
| 5. CARDINAL HEALTH 303, INC.            | : |                              |
| Petitioner                              | : |                              |
| v.                                      | : | Cancellation No.: 92-048,172 |
| THE ALARIS GROUP, INC.                  | : |                              |
| Registrant.                             | : |                              |

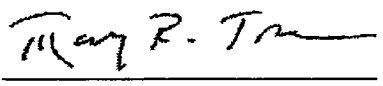
**NOTICE OF RELIANCE PURSUANT TO 37 C.F.R. § 2.122(e)**

Petitioner/Opposer Cardinal Health 303, Inc., gives notice of its reliance on the attached Declaration of Larry Boggs and supporting exhibits which are being submitted and relied upon to show the owner of Registration Nos. 2693068 and 2695504 for ALARIS and ALARIS (stylized), registered March 4, 2003 and March 11, 2003, respectively, for Computer hardware, namely

computers and printed circuit boards; portable listening devices, namely, MP3 players, cameras, and computer peripherals in Class 9, has gone out of business.

Dated: June 9, 2009

Respectfully submitted,

By: 

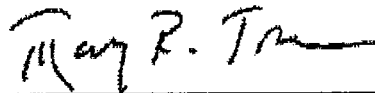
Joseph R. Dreitler  
Mary R. True  
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[mtrue@bricker.com](mailto:mtrue@bricker.com)

Attorneys for Opposer  
Cardinal Health 303, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served upon the following attorney  
of record for Applicant by electronic and First Class Mail, this 9<sup>th</sup> day of June 2009:

Kristine Boylan  
Merchant & Gould  
3200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, Minnesota 55402  
kboylan@merchantgould.com

A handwritten signature in black ink, appearing to read "Mary R. True", is written over a horizontal line.

Mary R. True

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**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

- |                              |   |                           |
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| v.                           | : | Opposition No. 91-177,234 |
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| Applicant                    | : |                           |
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| v.                           | : | Opposition No. 91-177,366 |
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| Opposer                      | : |                           |
| v.                           | : | Opposition No. 91-177,367 |
| THE ALARIS GROUP, INC.       | : |                           |
| Applicant                    | : |                           |

5. CARDINAL HEALTH 303, INC. :  
: Petitioner :  
: v. : Cancellation No. 92-048,172  
: THE ALARIS GROUP, INC. :  
: Registrant :

**DECLARATION OF LARRY E. BOGGS**

I, Larry E. Boggs, state that as a witness for Opposer/Petitioner, if called I would testify as follows:

1. I am an adult and have personal knowledge and am competent to testify about the following matters.

2. I am the Owner of Boggs, Kramer and Associates, a private investigation firm located in Sebring, Florida 33875.

3. I have been a private investigator for over fifteen (15) years. Prior to starting my private investigation firm, I was with the Federal Bureau of Investigation for thirty-six (36) years. As a private investigator, I am often asked to contact businesses to find out information regarding the nature and extent of their business.

4. On May 28, 2009 I received a request from Joseph R. Dreidler with the law firm of Bricker & Eckler, LLP, requesting me to find out if the computer company called Alaris in Palo Alto, CA is still in business.

5. On May 29, 2009 I conducted Internet searches for Alaris Computer and called the Yellow Pages of California, telephone number 411. I asked Yellow Pages for a telephone listing for Alaris Computer and that the previous number was 410-770-5700. I was told that the telephone had been disconnected and there are no new telephone listings for any such company.

6. I conducted an online search of the California Secretary of State database of corporations which indicated that the corporation that was known as Alaris, Inc., Number C1689038, was no longer an active corporation. (No date given).

7. I also contacted the company Y.C. CABLE USA, INC., 44061 Nobel Drive, Fremont, CA, who presently occupies the office space where Alaris was previously located at 44061 Nobel Drive, and spoke with Kelly (first name) who advised me that Y.C. CABLE USA, INC. moved into this location over a year ago and she did not have any information about Alaris

8. I determined the owner of the domain name alaris.com is Ramon Maldonado, 1003 Elwell, Palo Alto, CA 94303, Phone: 650-934-3007. I have called Maldonado and left two messages for him to call me. As of this date I have not received a return call.

I declare under the penalties of perjury that the foregoing statements are true to  
the best of my information, knowledge and belief.

  
Larry E. Boggs

Dated: June 8, 2009

At: Sebring, Florida